

Chairman Mark M. Bodi
Commissioner Patricia T. Russell
Commissioner Richard E. Simard

Chief Eddie Edwards
Legal Assistant Nancy C. Shea

NHSLC - BUREAU OF ENFORCEMENT - AGENDA
WEDNESDAY, NOVEMBER 5, 2008

1. SUSPENSIONS:

a. Action Pending:

None

b. Licensees Suspended For Non-Payment of Fines:

None

c. Licensees Suspended For Non-Compliance of RSA 178:2 (Mandatory training within 45 calendar days of the issuance of liquor license):

None

2. LICENSEES WHO MAY BE ORDERED TO A HEARING:

None

3. HEARINGS SCHEDULED FOR WEDNESDAY, NOVEMBER 5, 2008:

None

4. HEARINGS SCHEDULED:

None

5. HEARINGS WITH DATES TO BE DETERMINED:

6. PENDING CASES:

None

7. WARNING LETTERS/FINES:

- a. Central Wave, 368 Central Avenue, Dover, NH.
Restaurant Beverage and Liquor License #1342503.
Licensed under RSA 178:21, II(a)(1).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Date of violation: August 5, 2008.
Case #: 08-608-OF.
Recommendation: \$1,500 Administrative fine with \$500 suspended for twelve (12) months pending no like violation, four (4) points assessed to the liquor license, and a five (5) day suspension of liquor license commencing November 16, 2008 with re-grant on November 21, 2008.

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- b. Lei's Garden, 150 Rockingham Road, Derry, NH.
Restaurant Full Service With Lounge License #1001603.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Date of violation: June 14, 2008.
Case #: 08-523-OF.
Recommendation: \$500 Administrative fine suspended for twelve (12) months pending no like violation, four (4) points assessed to the liquor license, a 3-day suspension of liquor license held in abeyance for twelve (12) months pending no like violation, and mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for all managers and servers.
- c. MA Market, 297 Spruce Street, Manchester, NH.
Combination License #3093847.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I - did sell alcoholic beverage to an underage person.
Date of violation: July 10, 2008.
Case #: 08-488-OF.
Recommendation: \$500 Administrative fine, four (4) points assessed to the liquor license, a 3-day suspension of liquor license with one (1) day held in abeyance for twelve (12) months pending no like violation to commence November 12, 2008 with re-grant on November 14, 2008, and mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for the clerk who committed the violation.
- d. Pats Peak, Flanders Road, Henniker, NH.
Sports Recreation Facility License #572105
Licensed under RSA 178:22, V(u).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an underage person.
Date of violation: August 15, 2008.
Case #: 08-618-OF.
Recommendation: \$1,500 Administrative fine, four (4) points assessed to the liquor license, a 3-day suspension of liquor license with two (2) days held in abeyance for twelve (12) months pending no like violation to occur on November 14, 2008, and mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for Will Auer.

8. NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

- a. American Legion Post 59, 538 West Main Street, Hillsboro, NH.
Veterans Club License #16739.
Licensed under RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)/Administrative Rule 501.06 - did fail to restrict access to the licensed premise.
Date of violation: October 18, 2008.
ADMINISTRATIVE FINE \$100 PAID.
- b. Best Bet Stateline, 83 River Road, Hudson, NH.
Combination License #3127147.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: October 17, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.

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- c. C.K. Smith & Co., 163 South Street, Milford, NH.
Combination License #3098647.
Licensed under RSA 178:18.
Cited for violation of RSA 178:18 - did fail to meet the wholesale grocery items requirement.
Date of violation: October 2, 2008.
ADMINISTRATIVE FINE \$100 PAID.
- d. Greenfields Restaurant, 452 Charles Bancroft, Litchfield, NH.
Full Service Restaurant License #1295403.
Licensed under RSA 178:21, II(a).
Cited for violation of RSA 179:27 - did allow alcoholic beverages to be consumed in an area not approved for consumption.
Cited for violation of RSA 179:20 - did allow an employee to consume alcoholic beverage while working.
Date of violation: October 17, 2008.
ADMINISTRATIVE FINE \$350 PAID.
- e. Haffner's Kick Stop, 215 Lowell Road, Hudson, NH.
Combination License #3149847.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: October 17, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- f. Hudson Stateline Convenience, 71 Dracut Road, Hudson, NH.
Combination License #3149847.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- g. Kwik Stop, Route 125, 100 Calef Highway, Lee, NH.
Combination License #3089547.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: October 16, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- h. Market Basket, 212 Lowell Road, Hudson, NH.
Combination License #3002447.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: October 17, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- i. Mike Libbys Bar & Grill, 47 Main Street, Durham, NH.
Restaurant Full Service With Lounge License #1345603.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:50, I - did allow an intoxicated person to loiter on the premise.
Date of violation: October 11, 2008.
ADMINISTRATIVE FINE \$250 PAID.
- j. Rosa Flamingo's, Main Street, Bethlehem, NH.
Restaurant Full Service With Lounge License #436203.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:20 - did allow an employee to consume alcoholic beverage while working.
Date of violation: October 24, 2008.
ADMINISTRATIVE FINE \$100 PAID.

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- k. Scorpions Bar & Grill, 43-45 Main Street, Durham, NH.
Restaurant Full Service With Lounge License #1282103.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:51 - did fail to conduct the premise in an orderly manner.
Date of violation: October 11, 2008.
ADMINISTRATIVE FINE \$250 PAID.
- l. Silver Maple, 356 Daniel Webster Highway, Merrimack, NH.
Restaurant Full Service With Lounge License #1008603.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:40 - did refill bottles of legally purchased alcoholic beverage.
Date of violation: October 20, 2008.
ADMINISTRATIVE FINE \$250 PAID.
- m. Stardust Room, 61 Canal Street, Manchester, NH.
Sports Recreation Facility License #393805.
Licensed under RSA 178:22, V(v).
Cited for violation of RSA 179:26, II - did fail to comply with other agencies by not having a valid permit of assembly.
Date of violation: October 22, 2008.
ADMINISTRATIVE FINE \$250 PAID.
- n. Stop & Shop Supermarket, 9 Wason Road, Hudson, NH.
Combination License #3143347.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: October 17, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- o. VFW, 282 Daniel Webster Highway, Merrimack, NH.
Veterans Club License #27839.
Licensed under RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)/Administrative Rule 501.06 - did fail to restrict access to the licensed premise.
Date of violation: October 20, 2008.
ADMINISTRATIVE FINE \$100 PAID.

9. NEW LICENSES:

- a. Barbara J. Hayden DBA 24 Carrots Farmstand,
125 Old Homestead Highway, Route 32, Swanzey, NH 03446.
To be issued Combination Off-Premise Beverage/Wine License #3227647 pursuant to RSA 178:18.
Recommendation: Approval.

10. REQUESTS FOR SOLICITORS/REPRESENTATIVE AND DIRECT SHIPPER APPLICATION:

- a. Ascentia Wine Estates, LLC DBA Buena Vista Winery,
1800 Old Winery Road, Sonoma, CA 95476.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- b. Ascentia Wine Estates LLC Covey Run Winery,
2310 Holmason Road, Sunnyside, WA 94943.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.

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- c. Ascentia Wine Estates LLC Gary Farrell Winery,
10701 Westside Road, Healdsburg, CA 95448.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- d. Ascentia Wine Estates LLC DBA Geyser Peak Winery,
22281 Chianti Road, Geyserville, CA 95441.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- e. Bodegas Aguirre Winery,
8580 Tesla Road, Livermore, CA 94550.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- f. DZE, Inc. DBA Troon Vineyard,
1475 Kubli Road, Grants Pass, OR 97527.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- g. Foothill Partners DBA Paraiso Vineyards,
38060 Paraiso Springs Road, Soledad, CA 93960.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- h. Honey Gardens Apiaries, Inc.,
310 Beach Road, Shelburne, VT 05482.
To be issued Liquor/Wine Vendor Off-Premise Wine/Liquor Application
License #994745 pursuant to RSA 178:9.
Recommendation: Approval.
- i. JanKris Vineyards, LP DBA JanKris Winery,
1266 Bethel Road, Templeton, CA 93465.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- j. Cydney & Craig Kritzer, DBA Frogtown Cellars,
3300 Damascus Church Road, Dahlonega, GA 30533.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- k. LeNells LTD,
416 Van Brunt Street, Brooklyn, NY 11231.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- l. MHW LTD,
875 Hanna Drive, American Canyon, CA 94503.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- m. RRJ Real Properties LLC DBA Tsillan Cellars Winery,
3875 Highway 97-A, Chelan, WA 98816.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- n. Saxum Vineyards, Inc.,
2810 Willow Creek Road, Paso Robles, CA 93446.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.

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- o. Sunrise Liquors & Wines, Inc. DBA Aulden Cellars,
1334 York Avenue, New York, NY 10021.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- p. Tanglewood Enterprises, Inc. DBA Milliaire Cellars,
276 Main Street, Murphys, CA 95247.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.
- q. Teleculture LLC DBA Blue Danube Wine Co.,
12541 Zappettini Court, Losaltos Hills, CA 94022.
Direct Shipper Permit Application - RSA 178:27.
Recommendation: Approval.

11. PETITIONS FOR COMMISSION APPROVAL:

- a. Capitol Center for the Arts,
44 South Main Street, Concord, NH 03301.
Performing Arts Facility On-Premise Cocktail Lounge License #398008.
Licensed pursuant to RSA 178:22, V(m).
Requests approval for an additional area, to wit, the main stage on October 22, 2008 pursuant to RSA 178:24, RSA 179:53 and Liq. 404.05.
Recommendation: Approval.
- b. Craft Brands Alliance, Inc.,
35 Corporate Drive, Portsmouth NH 03801.
Restaurant On-Premise Cocktail Lounge License #1036603.
Licensed pursuant to RSA 178:22, V(q).
Requests approval for an outside area, to wit, an outside tented area on October 18, 2008 from 5pm to 11pm appropriately sanctioned off pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
- c. Willard Drew, DBA Kelsey's at the Grant,
15 Kimball Road, Gilford, NH 03246.
Restaurant On-Premise Cocktail Lounge License #1363303.
Licensed pursuant to RSA 178:22, V(q).
Requests a waiver of RSA 178:21 II, a(2) for authorization for reduction of hours, to wit, to reduce the hours of operation to less than five (5) days a week for the period of October 27, 2008 through November 30, 2008 as listed in letter dated October 27, 2008.
Recommendation: Approval.
- d. Goldenwood Properties, LLC DBA Bernerhof Inn/Black Bear Pub,
Route 302, Bartlett, NH 03838.
Restaurant On-Premise Cocktail Lounge License #1299603.
Licensed pursuant to RSA 178:22, V(q).
Requests a waiver of RSA 178:21, IIa(2) for authorization of reduction of hours, to wit, to reduce the hours of operation to less than five (5) days a week for the period of October 27, 2008 through December 4, 2008 as listed in a letter dated October 21, 2008.
Recommendation: Approval.

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- e. Greenfields Restaurant LLC,
452 Charles Bancroft Highway, Litchfield, NH 03052.
Restaurant On-Premise Beverage/Wine/Liquor License #1295403.
Licensed pursuant to RSA 178:21.
Requests approval for an outside area, to wit, an outside venue on October 22, 2008 through October 26, 2008 and October 29, 2008 through November 1, 2008 from 6pm to 11:45pm appropriately sanctioned off pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
- f. Southern New Hampshire Hospitality LLC,
11 Tara Boulevard, Nashua, NH 03062.
Hotel On-Premise Cocktail Lounge License #364602.
Licensed pursuant to RSA 178:22, V(k).
Requests approval for an outside area, to wit, an outside parking lot area appropriately sanctioned off on October 28, 2008 pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
- g. Swan Chocolates LLC,
501 Daniel Webster Highway, Merrimack NH 03054.
Retail Table Wine Off-Premise Wine Only License #3112546.
Licensed pursuant to RSA 178:19.
Requests approval for authorization to transfer business location, to wit, to close the current business then transfer the business and supplies from 501 Daniel Webster Highway, Merrimack, NH to the new location at 436 Daniel Webster Highway, Merrimack, NH pursuant to RSA 178:29, VIII.
Recommendation: Approval.
- h. Walmart Stores East LP DBA Walmart Store 1762,
270 Lafayette Road, Seabrook, NH 03874.
Combination Off-Premise Beverage/Wine License #3213547.
Licensed pursuant to RSA 178:18.
Requests approval to lease part of the premise, to wit, a portion of the licensed building to Dunkin Donuts pursuant to RSA 179:48.
Recommendation: Approval.

12. COMMISSION DECISIONS PENDING:

- a. Haluwa Restaurant, 44 Gusabel Avenue, Nashua, NH.
Restaurant Full Service With Lounge License #416503.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Date of violation: January 11, 2008.
Hearing date: February 25, 2008.
Commission Decision dated March 14, 2008: An Administrative fine of \$1,000, four (4) points assessed to the liquor license, and the license to sell alcoholic beverages suspended for three (3) consecutive days.
The Licensee filed a Motion for Re-hearing on April 8, 2008.
The Bureau of Enforcement filed an Objection to Motion for Re-hearing on May 6, 2008.

- b. Henniker Junction Restaurant, 24 Weare Road, Henniker, NH.
Restaurant Full Service With Lounge License #1167803.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:50, II - did allow the premise to be used for any purpose that was contrary to law.
Date of violation: February 7, 2008.
Hearing date: April 23, 2008.
- c. C & K Restaurant, 3 East Broadway Street, Derry, NH.
Restaurant Beverage and Liquor License #256803.
Licensed under RSA 178:21, II(a)(1).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an underage person during a compliance check.
Date of violation: May 30, 2008.
Hearing date: July 22, 2008.
- d. Standing Stone Vineyards, 9934 Route 414, Hector, NY.
Direct Shipper License #8086533.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file a Direct Shipper Report by the 10th of the following month.
Date of violation: February 25, 2008.
Hearing date: July 22, 2008.

13. COMMISSION DECISIONS AFTER HEARING:

14. MISCELLANEOUS ITEMS:

- a. Questions from Auditing regarding the collection of taxes at NH wineries as follows:

- 1. 5 % tax on all retail sales at the winery and farmer's markets.
- 2. 5% tax on wholesale sales to NH Licensees for resale.

Taxes are not being collected on sales to the NH Liquor Commission, on sales to out-of-state vendors, and on product used for tasting at the winery. Is this correct based on your reading of the statute?

Taxes are being collected on product used for sampling and tasting outside the winery and on products shipped directly to out-of-state consumers or retail businesses (direct shipments). Is this correct procedure as you read the law?

Does this agree with your reading of the winery statute or are there are areas of concern? I am requesting a review due to the increase in direct shipments to out-of-state individuals and businesses which are outside the normal wholesale channels.

TABLED BY THE COMMISSION ON MAY 28, 2008 UNTIL CHAIRMAN BODI IS AVAILABLE FOR DISCUSSION.

- b. Club 550, 2025 White Mountain Highway, Conway, NH 03818.
Renewal of Sports Recreation Facility/On-Premises Cocktail Lounge #2503005.
Special Terms and Conditions For Liquor License Renewal as follows:
1. Alcohol may be consumed between the hours of 6 a.m. and 12:30 a.m., Monday through Sunday; alcoholic beverages must be removed from all areas including but not limited to tables and the bar area and from all patrons by 1:00 a.m. to remain in effect for ninety (90) days from the date of this agreement; at the end of this period, an evaluation by the Bureau of Enforcement & Licensing and the Conway Police Department shall take place to determine whether these restrictions should be amended; hours of consumption shall revert to 12:00 a.m. and removal to 12:30 a.m. if any law enforced by the Bureau of Enforcement & Licensing is violated within the said ninety (90) day period.
 2. Interior lighting shall, at all times, be at a level that is conducive to maintaining proper control of the premises.
 3. Musical entertainment, regardless of source, shall cease at 1:05 a.m.
 4. Per agreement of the Licensee, one police detail with cruiser shall be employed by the Licensee on Friday and Saturday nights between 9:30 p.m. and 1:30 a.m. to monitor the front door area and parking lot.
 5. An additional doorman shall be employed immediately at the discretion of the Licensee to maintain proper control of the premises.
 6. Additional bartenders and bar backers shall be employed immediately at the discretion of the Licensee to maintain proper control of the premises.
 7. All managers and servers shall attend a Total Education in Alcohol Management (TEAM) seminar within forty-five (45) days of the date this agreement.
 8. Violation of any of the above terms will result in the Licensee being called to a hearing before the NH State Liquor Commission.
- Recommendation: Approval.
- c. KP Kitchens LLC DBA Lola's Family Restaurant and Lounge,
507 Maple Street, Manchester, NH 03102.
Restaurant On-Premise Cocktail Lounge License #1361703.
Licensed pursuant to RSA 178:22, V(q).
Requests approval for a Felon Exception as a member pursuant to RSA 179:23 and Liq. 404.06(c); Christopher Kalantzis meets all statutory and administrative requirements for a waiver as an owner.
Recommendation: Approval.
- d. Merrimack Ten Pin Center, Inc.,
698 Daniel Webster Highway, Merrimack, NH 03054.
Restaurant On-Premise Beverage/Wine License #1038703.
Licensed pursuant to RSA 178:20.
Requests approval for a Felon Exception as a Person in Charge/Manager pursuant to RSA 179:23 and Liq. 404.06(c); Crystal Grover meets all statutory and administrative requirements for a waiver as a manager.
Recommendation: Approval.

15. **EXECUTIVE SESSION ITEMS:**